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APR 25 2005

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: ZUARO, STEVEN
Serial No.: 10/688,102
Filed: 10/17/2003
For: THE FLASHER
Examiner: DAVIS, CASSANDRA Group: 3611 Paper No:

ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted

Brian S. Steinberger
PTO Registration No. 36,423
Client No. 23717
101 Brevard Avenue
Cocoa, FL 32922
(321) 633-5080
Facsimile (321) 633-9322

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by telephone facsimile to: 703-872-9306 addressed to the: Commissioner of Patents and Trademarks, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

4/25/05

Brian S. Steinberger
(Name of Person Sending Facsimile)

(Signature of Person Sending Facsimile)
Customer No. 23717

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Atty. Docket No.:PC-1541

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Sir:

In response to the Examiner's Action mailed March 24, 2005, Applicant elects to prosecute with traverse Group I, drawn to figures 1-24, claims 1-9, 15-16, 18 and 19

Based on the restriction requirement, Applicant lists Groups as follows:

Group I Figures 1-24 Claims 1-9, 15-16, 18, 19

Group II Figures 25-34 Claims 1-20

Applicant disagrees with the restriction requirement for several reasons. A policy consideration behind a restriction requirement would suggest that separate inventions exist that inherently would include separate prior art searches, examinations, examiners, etc. The Primary Examiner does not state that different art units and/or different examiners would need to search and examine the inventions of Groups I & II. If Groups I and II, can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would not create an undue time and financial burden on both the patent office and on the applicant.

Again, in reference to the Restriction requirement, Applicant wishes to make their election to prosecute the invention of Group I Figures 1-24, claims 1-9, 15-16, 18 and 19 with traverse.

Respectfully submitted;

Brian S. Steinberger, Esq.
Registration No. 36, 423
Law Offices of Brian S. Steinberger, P.A.
101 Brevard Avenue
Cocoa, FL 32922
Telephone: (321) 633-5080 Fax: (321) 633-9322

Date

4/25/05